

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS WILBERGER,	)	
Plaintiff,	)	
v.	)	C.A. No. 08-54 Erie
	)	
ELIZABETH ZIEGLER, et al,	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on February 15, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on February 4, 2009, recommended that the Motion to Dismiss filed by Defendant District Attorney Elizabeth Ziegler [Document # 30] be granted; and the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendant Magisterial District Judge Cynthia K. Lindemuth [Document # 46] be granted. It was further recommended that this case be closed. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at Box 540, St. Clairsville, Ohio 43950, the last address of record, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th day of March, 2009;

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant District Attorney Elizabeth Ziegler [Document # 30] is GRANTED; and the Motion to Dismiss Plaintiff's Second Amended Complaint filed by Defendant Magisterial District Judge Cynthia K. Lindemuth

[Document # 46] is GRANTED. The Clerk of Court is directed to close this case.

The report and recommendation of Magistrate Judge Baxter, dated February 4, 2009,  
is adopted as the opinion of the court.

  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_